

**CONTINUING PATENT APPLICATION  
TRANSMITTAL** (for Continuing  
Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. **79402**

First Named Inventor or Application  
Identifier:

**Smith et al.**

22141 U.S. PTO

10/666453



09/17/03

Mail Stop **PATENT APPLICATION**  
Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request under 37 C.F.R. §1.53(b) for  
filing a:

- ☒ Continuation application,  
☐ Divisional application,  
☐ Continuation-in-Part application,

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Date of Deposit **September 17, 2003**

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Mail Stop **PATENT APPLICATION**, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**Edward Price**

(Typed or printed name of person mailing)

(Signature of person mailing)

of pending prior application number 10/137,580, filed on May 2, 2002, by inventor(s)  
Smith et al. for METHOD AND APPARATUS FOR DETERMINING A POSITION OF A  
MOVABLE BARRIER.

1. ☒ This is a **continuation** or divisional application. Enclosed is a copy of the prior  
application as originally filed, including specification, claims, drawings, and oath or  
declaration.

- or -

- ☐ Enclosed is a patent application (for continuation, divisional, or continuation-in-part  
applications) containing:

☐ \_\_\_\_\_ pages of the specification (including claims).

☐ \_\_\_\_\_ sheet(s) of drawings. ☐ Formal ☐ Informal

2. ☒ Amend the specification by inserting before the first line the sentence: --This is a  
☒ continuation, ☐ division, ☐ continuation-in-part, of prior application number  
10/137,580, filed May 2, 2003, which is a continuation of application number  
09/777,944, filed February 6, 2001, which is a continuation of application number  
09/251,307, filed February 17, 1999 hereby incorporated herein by reference in  
its entirety.-- The entire disclosure of the prior application, from which a copy of  
the oath or declaration is supplied under paragraph 3 below, is considered as being  
part of the disclosure of the accompanying application, and is hereby incorporated  
by reference therein.

3. ☒ A copy of the executed Oath or Declaration filed in the prior nonprovisional application is enclosed.
4. ☐ Inventorship:
- ☐ A newly-executed Oath or Declaration and Power of Attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a), (d)(5) and (e)).
- ☐ Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):
- \_\_\_\_\_
- \_\_\_\_\_
- ☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§1.41(a) and §1.53(b)).
5. ☐ An Assignment of the invention to \_\_\_\_\_ and cover sheet are enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the fee for recording the assignment is enclosed.
6. ☒ The prior application is assigned of record to The Chamberlain Group Ltd..
7. ☐ Small Entity Status (37 C.F.R. §1.28(a)(2)):
- ☐ Applicant(s) assert entitlement to Small Entity Status.
- ☐ Status as a small entity is not claimed.
8. ☐ A 37 C.F.R. §3.73(b) statement is enclosed where an assignee seeks to take action.
9. ☒ A Preliminary Amendment is enclosed.
10. ☒ Drawings:
- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by §1.138 and before payment of base issue fee.)

- ☒ New formal drawings are enclosed.
- ☐ Informal drawings are enclosed.
11. ☒ A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
12. ☐ An Information Disclosure Statement is enclosed.
- ☐ A Form PTO/SB/08A is enclosed.
- ☐ \_\_\_\_\_ References (copies) listed on the Form PTO/SB/08A are enclosed.
13. ☐ A Computer Program Listing Appendix is enclosed.
- ☐ A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.
- ☐ Two (2) Compact Discs are enclosed.
14. ☐ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ☐ A Computer Readable Copy is enclosed.
- ☐ A Paper Copy (Identical to Computer Copy) is enclosed.
- ☐ A Statement Verifying Identity of above Copies is enclosed.
15. ☒ A Return Receipt Postcard is enclosed (MPEP §503).
16. ☐ Priority of application number \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.
- ☐ The certified copy of the priority document has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ A certified copy of the priority document is enclosed.

17. ☒ Power of Attorney:

☒ The power of attorney in the prior application is to:

☒ Kenneth H. Samples, Registration No. 25,747  
 FITCH, EVEN, TABIN & FLANNERY  
 Suite 1600  
 120 South LaSalle Street  
 Chicago, Illinois 60603-3406.  
 and other members of the firm.

☒ Customer Number 22242.

☒ The power appears in the original papers in the prior application.

☐ Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

18. ☒ Cancel in this application original claims 1-18 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

19. ☒ The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,  
Less Any Claims Cancelled by Amendment

|                                   |           |   |           |   |          |    |                    |
|-----------------------------------|-----------|---|-----------|---|----------|----|--------------------|
| Basic Utility Fee                 |           |   |           |   | \$740.00 | \$ | 750.00             |
| Independent Claims                | <u>2</u>  | - | <u>3</u>  | = | <u>1</u> | x  | \$ 84.00 = \$ 0.00 |
| Total Claims                      | <u>12</u> | - | <u>20</u> | = | <u>0</u> | x  | \$ 18.00 = \$ 0.00 |
| Fee for Multiply Dependent Claims |           |   |           |   | \$280.00 |    |                    |

or

|                  |          |        |  |
|------------------|----------|--------|--|
| Basic Design Fee | \$330.00 |        |  |
| Total Filing Fee | \$       | 750.00 |  |

☐ Applicant(s) assert entitlement to Small Entity Status, reducing the Filing Fee by half to:

\$

20. ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.

21. ☒ Charge \$ 750.00 to Deposit Account No. 06-1135. *Transaction No. 11712.*

22. ☐ The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.

23. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this request is enclosed.

24. ☐ Also enclosed:

25. ☒ Address all future communications to Customer Number 22242.



September 17, 2003

Date

*Kenneth H. Samples*

Kenneth H. Samples

Registration No. 25,747

☒ Attorney or agent of record

☐ Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY  
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